

Application No. 09/719,088

REMARKS

By this amendment, claims 4 and 5 are canceled and claims 3 and 6 are amended to place this application in condition for allowance. Currently claims 3, 7, 10, and 26-33 are pending before the Examiner for consideration on their merits. As noted below, claim 6 is withdrawn from consideration.

In review, claim 3 is amended to include the limitation of claim 4, therein, and claim 4 has been canceled. Claim 6 is rewritten into independent form in light of the cancellation of claim 5. These amendments are fully supported by the specification and their entry is respectfully requested.

Turning to the Office Action, Applicant first acknowledges the indication of the allowability of claim 7.

Applicant also acknowledges the indication that claim 6 is drawn to a non-elected species, and that it is withdrawn from consideration. Applicant reserves the right to file a divisional application on claim 6.

The rejections under 35 U.S.C. § 112 are addressed below by heading.

35 U.S.C. § 112, second paragraph

Turning now to the rejection based on 35 U.S.C. § 112, second paragraph, Applicant contends that the amendment to claim 3 overcomes the rejection since it removes the objectionable language and inserts the language suggested by the Examiner in the outstanding Office Action. Accordingly, the rejection based on this statutory section should be withdrawn.

35 U.S.C. § 112, first paragraph, written description

In the Office Action, the Examiner alleged that claims did not satisfy the written description requirement of 35 U.S.C. § 112. More specifically, the Examiner alleged that claim 3 encompassed any polynucleotide variant of SEQ ID NO: 2, including allelic variants. Similarly, claims 4 and 5 are alleged to encompass a polynucleotide encoding any fragment of SEQ ID NO: 2, and SEQ ID NO: 3, respectively.

The rejection of claims 4 and 5 is moot as a result of their cancellation.

The rejection as applied to claim 3 is overcome by the amendment thereto. Claim 3 now defines the polynucleotide according to its capacity to encode an NPY-Y7 receptor polypeptide comprising the amino acid sequence set forth in

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SEQ ID NO: 2. References to the length of the NPY-Y7 receptor have been deleted from the claim. In light of this amendment, the rejection based on a lack of written description should be withdrawn.

35 U.S.C. § 112, first paragraph, lack of enablement

In the Office Action, the Examiner also alleged that claims did not satisfy the enablement requirement of 35 U.S.C. § 112. Specifically, the Examiner asserted that undue experimentation would be required to identify that which is encompassed by the claims.

This rejection as applied to claims 4 and 5 is moot.

The rejection as applied to claim 3 is overcome in light of the amendments thereto. That is, the language alleged to create the enablement problem has been removed from claim 3, and this claim, as amended, is now fully enabled. Therefore, the lack of enablement rejection under 35 U.S.C. § 112, first paragraph should be withdrawn.

Summary

Applicant submits that each and every issue raised in the Office Action has been addressed and claims 3, 7, 10, and 26-33 are now in condition for allowance. Accordingly, the Examiner is respectfully requested to pass these claims onto issuance.

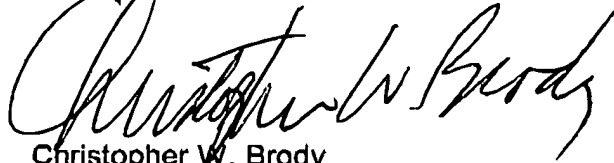
If an interview would expedite allowance of this application, the Examiner is requested to telephone the undersigned at 202-835-1753.

Again, reconsideration and allowance of this application is respectfully solicited.

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Please charge any fee deficiency or credit any overpayment to Deposit
Account No. 50-1088, including extension of time fees.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Christopher W. Brody", written in a cursive style.

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